

REMARKS

Upon amendment, Claims 1-8 and 13-16 are pending in this application. Claims 9-11 have been canceled without prejudice. Claims 1-8 have been amended to recite “or a solvate, a salt or a solvate of a salt thereof” instead of “and the solvates, salts or solvates of the salts of this compound.” Claims 1-8 have further been amended to recite that X is oxygen; that R²-R⁵ are hydrogen; and that B is unsubstituted benzo. Support for these amendments can be found throughout the specification, in particular in the examples, and in the claims as originally filed. No new matter has been added by this amendment.

Applicants respectfully reserve the right to pursue any non-elected, canceled or otherwise unclaimed subject matter in one or more continuation, continuation-in-part, or divisional applications.

Reconsideration and withdrawal of the objections to and the rejections of this application in view of the amendments and remarks herewith, is respectfully requested, as the application is in condition for allowance.

Elections/Restrictions

Applicants respectfully thank the Examiner for acknowledging the election of Group II. However, the Examiner states that the Applicant did not identify the claims encompassing the elected invention as required in the office action of November 16, 2007. Applicants respectfully draw the Examiner’s attention to the Response to Restriction requirement filed April 16, 2008 which clearly lists the claims which were believed to read on the elected group.

Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 1-8 dependent claims stand rejected under 35 U.S.C. 112, Second Paragraph, as allegedly indefinite, in particular for allegedly failing to define the chemical composition or structures of the claimed solvates. Applicants strongly disagree with the Examiner’s allegations. Solvates are defined in the specification as “those forms of the compounds which form a

complex with solvent molecules by coordination in the solid or liquid state.” (Page 4, lines 4-8). As such, Applicants believe the compounds, salts, solvates and solvates of salts thereof are fully described for the purposes of 35 U.S.C. § 112, Second Paragraph.

Applicants respectfully request that the rejections of the claims under 35 U.S.C. § 112, Second Paragraph be withdrawn.

Rejections under 35 U.S.C. § 112, First Paragraph

Claims 1-8 are rejected under 35 U.S.C. 112, First Paragraph, because the specification, while being enabling for a class of compounds of the formula (I), does not allegedly provide enablement for the plurality of general structures claimed. Furthermore, the Examiner alleges that the specification, while being enabling for making salts of the claimed compounds, does not provide enablement for making solvates of the claimed compounds. Applicants note that the Examiner further states that “it is not seen where in the specification enablement is present for thioureas.”

Applicants strongly disagree with the Examiner’s allegations. As an initial matter, *Morton International Inc. V. Cardinal Chemical Co.*, cited by the Examiner, is not relevant because it does not relate in any way to solvates. Thus, the argument that “the same circumstance appears here” is without basis. Similarly, although the Examiner relies on the West reference concerning the properties of solvates, the West reference is, by its own language, primarily related to inorganic/metal solids.

As stated above, solvates are defined in the specification as “those forms of the compounds which form a complex with solvent molecules by coordination in the solid or liquid state.” (Page 4, lines 4-8). In particular, Applicants strongly disagree that the examples presented “failed to produce a solvate.” The Examiner has not provided any concrete basis to doubt that a solvate was not produced during the reactions presented in the disclosed examples. As such, Applicants believe the solvates and solvates of salts of the compounds are fully enabled for the purposes of 35 U.S.C. § 112, First Paragraph.

Nevertheless, with regard to thioureas, and without conceding the validity of the Examiner’s allegations and solely for the purpose of advancing prosecution, Claims 1-8 have

further been amended to recite that X is oxygen; that R²-R⁵ are hydrogen; and that B is unsubstituted benzo. No new matter has been added by this amendment. .

Applicants respectfully request that the rejections of the claims under 35 U.S.C. § 112, First Paragraph be withdrawn.

CONCLUSION

In view of the amendments and remarks made herein, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are respectfully requested. Please charge any required fee or credit any overpayment to Deposit Account No. 04-1105.

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Respectfully Submitted,

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